

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MATTHEW BROWN,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 2:17-cv-00832-JCM (DJA)

ORDER

Presently before the court is the matter of *Brown v. State of Nevada et al.*, case number 2:17-cv-00832-JCM-DJA.

This court ordered plaintiff to take action twice in the instant case—first on August 24, 2020, (ECF No. 35), and next on February 17, 2021, (ECF No. 40). Specifically, plaintiff was “ordered to show cause, within 10 days of [the February 17, 2021] order, as to why this case should not be dismissed for want of prosecution.” (ECF No. 40). This court warned that “[f]ailure to comply *will* result in case-terminating sanctions. (*Id.*). Yet, plaintiff has failed to do so.

This court finds that dismissal of this action is appropriate. Before engaging in case-terminating sanctions, this court weighs “five factors in deciding whether to dismiss a case for failure to comply with a court order:”

(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.”

In re Phenylpropanolamine (PPA) Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006).

1 The “public’s interest in expeditious resolution of litigation”, “the court’s need to manage
2 its docket”, and “the risk of prejudice to the defendants” weigh overwhelmingly in favor of
3 dismissal. *Id.* These factors outweigh the remaining considerations before this court. Upon openly
4 factoring plaintiff’s circumstances, this court has given him multiple opportunities and ample time
5 to continue litigating this matter, but no further action has been taken.

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the matter of *Brown v.*
8 *State of Nevada et al.*, case number 2:17-cv-00832-JCM-DJA, be, and the same hereby is,
9 DISMISSED for failure to comply with this court’s orders.

10 The clerk shall close the case.

11 DATED March 3, 2021.

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14 UNITED STATES DISTRICT JUDGE
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